

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

AUG 09 2016FOR THE DISTRICT OF NEW MEXICO **MATTHEW J. DYKMAN**
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNNY FLORES and**JOSUE DUARTE,**

Defendants.

CRIMINAL NO. 16-3306 MV

Counts 1: 21 U.S.C. § 846: Conspiracy;

Counts 2 – 4: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(B): Distribution of 50 Grams and
More of a Mixture and Substance
Containing Methamphetamine.INDICTMENT

The Grand Jury charges:

Count 1

Beginning on a date unknown, but not later than July 18, 2016, and continuing to on or about July 26, 2016, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendants, **JOHNNY FLORES** and **JOSUE DUARTE**, unlawfully, knowingly and intentionally combined, conspired, confederated, agreed and acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit an offense defined in 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), specifically, to distribute 50 grams and more of a mixture and substance containing a detectable amount of methamphetamine.

In violation of 21 U.S.C. § 846.

Count 2

On or about July 18, 2016, in Bernalillo County, in the District of New Mexico, the defendant, **JOHNNY FLORES**, unlawfully, knowingly and intentionally distributed a

controlled substance, 50 grams and more of a mixture and substance containing a detectable amount of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

Count 3

On or about July 22, 2016, in Bernalillo County, in the District of New Mexico, the defendants, **JOHNNY FLORES** and **JOSUE DUARTE**, unlawfully, knowingly and intentionally distributed a controlled substance, 50 grams and more of a mixture and substance containing a detectable amount of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

Count 4

On or about July 26, 2016, in Bernalillo County, in the District of New Mexico, the defendant, **JOSUE DUARTE**, unlawfully, knowingly and intentionally distributed a controlled substance, 50 grams and more of a mixture and substance containing a detectable amount of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

FORFEITURE ALLEGATION

The charges in this Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture to the United States pursuant to 21 U.S.C. § 853.

Upon conviction of any offense in violation of 21 U.S.C. §§ 841 or 846, the defendants, **JOHNNY FLORES** and **JOSUE DUARTE**, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense for which he is convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said

offenses.

The property to be forfeited to the United States includes but is not limited to the following:

MONEY JUDGMENT

A sum of money of approximately \$4,740.00 in U.S. currency equal to the amount of proceeds obtained as a result of the offense in the Indictment.

SUBSTITUTE ASSETS

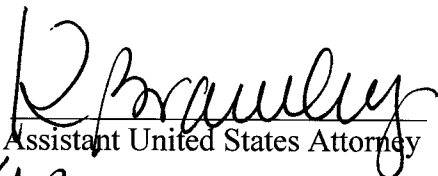
If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), 18 U.S.C. § 982(b), and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

A TRUE BILL:

151
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

KAB 08/09/16 10:11AM